

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW HAMPSHIRE**

Laurie Ortolano,

Plaintiff

V.

Civil Action No. 22-cv-00326-LM

Steven Bolton and Celia Leonard

Defendants

PLAINTIFF'S PRETRIAL STATEMENT

NOW COMES, the Plaintiff in the above-entitled matter and submits her pretrial statement pursuant to Rule 26(a)3 of the Fed. R. Civ. P. and LR 16.2 and says as follows:

I. Brief Statement Of The Case

The Plaintiff Laurie Ortolano has sued Attorney Steven Bolton and Attorney Celia Leonard, the City of Nashua's Corporate Counsel and Corporate Deputy Counsel. Laurie Ortolano claims that she was at the Nashua City Hall to obtain date stamps for two tax abatement requests. Laurie Ortolano claims that Attorney Bolton and Attorney Leonard improperly deprived her of first amendment rights, by causing her arrest for criminal trespass, a Class A misdemeanor, in retaliation for her criticism of City acts and officials. She is also claiming a pattern of harassment. Attorney Bolton and Leonard deny that they caused her arrest for criminal trespass or violated her constitutional rights in any way.

II. Witnesses

A. Witnesses likely to be called by the Plaintiff

1. Mayor James Donchess
2. Attorney Steven Bolton

3. Attorney Celia Leonard
4. Jennifer Deshaies
5. John Griffin
6. Former Chief Michael Carignan
7. David Lavioe
8. Officer Timothy Roach
9. Officer Christopher Carron
10. Officer Kyle Crosson
11. Officer Andrew Karlis
12. Officer Michael Yeomelakis
13. Timothy Cummings
14. Michael Ortolano
15. John Duhamel
16. Master Patrolman Jonathon Earnshaw
17. Sergeant Caleb Gilbert
18. Master Patrolman Jaime Abrams
19. Dan Healey
20. Anne Stelmach
21. Officer Andrew Karlis
22. Brian Kenney
23. Michael O'Connor
24. Kathleen O'Connor
25. Kimberly Houghton

- 26. Jennifer Moriarty
- 27. Robert Leserda
- 28. Doctor Laura Chan
- 29. Karen Bill
- 30. Officer Frank Lombardi
- 31. Eliese Moore

B. Witnesses that may be called

- 32. Kimberly Kleiner
- 33. Mindy Lloyd
- 34. Manuela Perry
- 35. Rosemarie Evans
- 36. Diane Vieno
- 37. Deputy Chief James Testaverde
- 38. Police Captain Bolton
- 39. Laura Colquhoun
- 40. Doug Dane
- 41. Mike Mandile
- 42. Greg Turgiss
- 43. Gary Turgiss
- 44. Rick Vincent
- 45. Lori Wilshire
- 46. Alderman John Sullivan
- 47. Ken Rogers

48. Rob Tozier
49. Keeper of the Records, Assessors Department
50. Keeper of the Records, Nashua Police department
51. Keeper of the Records, NH Department of Revenue Administration
52. Clerk, Hillsborough Superior Court Southern District
53. Robert Lacerda
54. Sarah Marchant
55. Will Freyler
56. Cheryl Walley
57. Amanda Mazzerolle
58. Lynn Cameron
59. Louise Brown
60. Attorney Timothy Goulden
61. Attorney Mark Sisti
62. Attorney Rick Lehmann
63. Attorney Robert Fojo

III. Waiver of Claims

The Plaintiff does not waive any claims.

IV. Depositions

The Plaintiff does not anticipate introducing any depositions but reserves the right to do so in the event of witness unavailability . The Plaintiff may reference certain deposition pages in

order to impeach or refresh a witnesses testimony or for any other purpose allowed by the Fed. R. Civ. P. 32(a).

V. Exhibit List

NO.	DATE	ACTUAL EXHIBITS
1	9/12/18	Board of Aldermen Meeting Minutes pgs. 1,13-14, 17
2	10/23/18	Board of Aldermen Meeting Minutes pgs. 1, 6-8, 11
3	9/2018-10/2018	Responsive records Duhamel Emails received by Ortolano
4	10/12/19	Ortolano RTK email to Leonard for "Donchess Timeline"
5	10/18/19	LTR emailed City Response Leonard to Ortolano
6	10/17/19	Ortolano RTK email to Leonard second try for "Donchess Timeline"
7	10/18/19	Ortolano email to Gary Turgiss requesting Donchess Timeline Records
8	10/24/19	LTR emailed City Response, Leonard for Donchess Timeline with Responsive Records
9	11/7/18	Ortolano email to Board of Aldermen cc Donchess Mayor's Property Record Card
10	11/8/18	Ortolano email to Board of Aldermen cc Donchess - A further look at Mayor's Property Record Card
11	11/13/18	Board of Aldermen Meeting Minutes pgs. 1-3, 15-18, 23 and Communication from CFO Griffin to Board of Aldermen
12	11/27/18	Board of Aldermen Meeting Minutes pgs. 1-3, 7-12, 16 Mayor responds to Rockland Permit
13	11/28/18	Union Leader Article "Citizen Complaint prompts assessing Audit in Nashua"
14	12/11/18	Board of Aldermen Meeting Minutes pgs. 1, 42-44, 47
15	3/21/19	Ortolano email to DRA Commissioner Stepp on Ratio
16	3/26/19	Commissioner email response to Ortolano 3/21/19 email
17	3/21/19	Board of Assessor Meeting Minutes - Bolton talks about the ratio
18	3/24/19	Ortolano email to Greg Turgiss/Kleiner (Mayor's Office)
19	4/14/19	Ortolano email to Attorney Roth DRA with 2 Abatement Form (State & Nashua)
20	3/1/19	City Charter - Section 71 Records open for Inspection

21	6/6/19	Board of Assessors Meeting Minutes pgs. 1, 24 - 28, 39 - 43, 46
22	7/13/19	Kleiner email to Leonard fwd Ortolano email (7/12/2019)
23	7/19/19	LTR Leonard email to Ortolano (RTK 2019-14)
24	8/23/19	Leonard email to Kleiner, Legal "Conversations Assessing 8 22 19"
25	7/15/19	Ortolano email to Assesshelp cc Kleiner
26	7/19/19	LTR Leonard emailed to Ortolano (2019-15)
27	7/17/19	7/19/2019 LTR emailed Leonard response to Ortolano Assesshelp (2019-15)
28	8/13/19	Board of Aldermen Meeting Minutes pgs. 1-10, 32 and with Attachment
29	9/5/19	RTK response from Leonard for Kleiner Assessing Office meeting Agendas
30	9/15/19	Email Ortolano to Leonard cc Donchess, BOA Right to Know Requests
31	9/16/19	Budget Review Committee Meeting - all pages
32	9/19/19	Board of Assessors Meeting Minutes pgs. 1, 5-10, 14
33	10/3/19	Board of Assessors Meeting Minutes - all pages
34	12/12/19	Email Kleiner to Leonard residential sales report threaded email Ortolano to Assessors (2019-122)
35	12/19/19	Response Leonard to Ortolano (2019-122)
36	6/19/19	BTLA Orders City to Hearing Aug 6, 2019
37	3/9/21	Board of Alderman Meeting - LO PC on Arrest 1, 42, 47
38	10/20/21	Email Kleiner to Attorney Clay - Ortolano to HR
39	10/20/21	Email Nancy Trask - Ortolano visit to HR
40	9/28/21	Board of Aldermen Meeting Minutes pgs. 1, 13-15, 25-28, 31
41	Manual	Section 1 of Nashua Assessor Manual "Public Relations in the Assessor's Office"
42	10/29/19	BTLA Order for Reassessment
43	2020	Sanctions on Assessors - Jon Duhamel, Greg Turgiss, Rob Tozier
44	3/16/20	Nashua Telegraph Article "Celebrate Sunshine Week"
45	1/14/20	Ortolano email to Brown - Ortolano Abatement File
46	1/15/20	LTR Leonard email to Attorney Lehmann
47	1/15/20	Ortolano email to Mayor
48	7/14/20	Board of Aldermen Zoom Meeting pgs 1, 31-33, 37
49	11/16/20	BTLA Submission - City Motion to Consolidate 2018-2019 Abatement Appeals

50	11/24/20	BTLA Submission - Lehmann Objection to Consolidation
51	12/3/20	BTLA Order - DENYING Consolidation
52	11/14/20	Scoop FB Post "Nashua's Overreach of the Right-to-Know Law"
53	6/11/21	BTLA Decision on 41 Berkeley St. 2018-2019 Abatement Appeals
54	11/12/21	Good-Gov "Nashua Legal Offices Abuse of Seniors"
55	12/2/21	Board of Assessors Meeting Minutes - all pages
56	1/17/21	Ortolano email to Assesshelp 2 Signed Abatement Applications
57	1/20/21	Ortolano email to Assesshelp
58	1/20/21	Rick Vincent email to Ortolano
59	2/5/21	Vincent email to Ortolano 28 Baltimore Rd Application
60	2/5/21	Vincent email to Ortolano 18 Baltimore Rd. Application
61	7/15/21	Board of Assessors Meeting Minutes 18-28 Baltimore Rd Abatements Approved
62	3/24/21	Complaint - Class A Misdemeanor
63	2/18/21	Arrest Warrant
64	1/22/21	Call log for Trespass at City Hall
65	2/18/21	Property taken at arrest 2/18/21
66	2/18/21	Bail and Bail Conditions
67	3/15/21	RTK Request from Colquhoun to NPD for Service calls for trespass to City Hall 1/1/2014 to 1/31/2021
68	1/26/21	LTR Mike O'Connor to BOA/cc Mayor on Woman Escorted Out by Police
69	1/24/21	Union Leader Story - "Woman Escorted out of City Hall by Police"
70	1/27/21	Union Leader Story - "City Hall no-trespass order put in place against Nashua Woman"
71	2/3/21	Union Leader Story - "Laurie Ortolano won't stop taking on City Hall"
72	2/22/21	Union Leader Story "Nashua Woman escorted from City Hall charged with Trespassing"
73	4/26/21	Ortolano email to Attorney Goulden Contract and Appearance
74	7/23/21	Kenney email to Bolton
75	8/19/21	Kenney email to Bolton
76	8/18/21	Email Kenney to Bolton
77	12/15/21	Transcript Motion Hearing Judge Leary

78	7/7/22	Conditional Discharge Order
79	9/12/22	City Motion to Intervene on Annulment
80	1/31/23	Order - Motion to Intervene DENIED
81	1/15/21	Notice for Access to Assessing Office during Covid
82	1/29/21	Ortolano Screenshots of City Hall Offices requiring Appointments
83	5/29/21	Notice for Reopening Nashua City Hall
84	7/5/21	Ortolano email to Leonard
85	7/5/21	Attorney Bolton email to Attorney Lehmann
86	2/1/21	Fee Agreement Attorney Sisti/Check pd
87	4/26/21	Fee Agreement Attorney Goulden/Check pd
88	2/2/22	Lovering email to Ortolano cc Legal Dept. "Your Visit to the Clerk's Office on January 31, 2022"
89	2/2/22	Ortolano email to Lovering and Legal
90	7/20/22	City Finance Committee Meeting
91	8/1/22	Police Report 22-43246 Bolton Attempted Arrest for 3rd Floor Visit
92	8/11/22	Sgt. Gilbert Supplemental Report to Attempted Arrest
93	7/28/22	Ortolano email to Kleiner
94	7/28/22	Attorney Bolton email to Ortolano
95	10/25/22	Board of Aldermen Meeting Minutes pgs. 1, 13, 17
96	10/26/23	Newspaper Article on First Amendment Award
97	10/26/23	First Amendment Publication Booklet
98	10/26/23	Eagle Sculpture Award - sculpture will be brought into Court
99	10/24/23	City Protective Order for City Employees
100	10/26/23	Court Order DENIED for Protective Order
101		Property Record Card for 41 Berkeley St.
102	1/8/24	Ortolano Email to Bolton RTK for IT meeting
103	1/16/24	Ortolano Email to Bolton RTK for IT meeting
104	1/18/24	Bolton Email to LO on RTK Meeting
105	5/10/24	Photograph 3rd Floor Legal Office Rope
106	5/10/24	Photograph 3rd Floor Hallway to Auditorium
107	5/10/24	Photograph 3rd Floor view to IT Office

108	5/10/24	Photograph 3rd floor view to stairwell
109	2/7/22	Superior Court Order 226-2021-cv-00354
110	10/10/23	Supreme Court Mandate 2022-0237
111	6/20/22	Superior Court Order 226-2021-cv-00306
112	7/9/21	Transcript Structuring Conference/Motion Hearing 00306/00133
113	7/14/21	Superior Court Order 226-2020-cv-00133
114	5/2/22	Superior Court Order 226-2020-cv-00133
115	6/30/23	Superior Court Order 226-2023-cv-00165
116	7/29/20	Ortolano Deposition by Bolton 226-2020-cv-00133
117	11/21/22	Ortolano RTK Request for Bolton Police records - 10-4-2012 Incident 12-83358
118	8/6/19	BTLA Hearing A Citizens Performance Audit of the Nashua Assessing Office

NO.	DATE	POTENTIAL EXHIBITS
119	1/17/14	Letter from Gary Turgiss to Ortolano's
120	9/19/18	11/20/2019 Griffin email to Leonard threaded 9/19/2018 Tozier email to Griffin
121	10/12/18	Letters mailed by City to 5 Berkeley property owners
122	10/31/18	Griffin Email to Mayor's Office
123	2/12/25	Supreme Court Order on Nashua Pheasant Lane Mall Property Abatement Appeal
124	3/1/19	Management Audit Report
125	8/21/19	Nashua Telegraph "Officials Say they are overwhelmed by requests"
126	9/20/23	Cummings email to Risk and Legal
127	4/15/20	Ortolano email RTK request to Public Works Director Fauteaux and her response
128	5/5/22	Email Manuela Perry email to Ortolano
129	5/8/19	Freyler Investigative Report
127	6/26/24	Transcript Evidentiary Hearing 226-2020-cv-00354

NO.	DATE	VIDEO FILES
AV*	128	10/23/18 Board of Aldermen Meeting

AV	129	11/13/18	Board of Aldermen Meeting
AV	130	11/27/18	Board of Aldermen Meeting
AV	131	12/11/18	Board of Aldermen Meeting
AV	132	6/6/19	Board of Assessors Meeting
AV	133	6/27/19	Board of Assessors Meeting
AV	134	8/13/19	Board of Aldermen Meeting
AV	135	9/15/19	Budget Review Committee Meeting
AV	136	9/19/19	Board of Assessors Meeting
AV	137	10/3/19	Board of Assessors Meeting
AV	138	2/20/20	Board of Assessors Meeting
AV	139	7/14/20	Board of Aldermen Meeting
AV	140	3/9/21	Board of Aldermen Meeting
AV	141	8/26/21	Board of Assessors Meeting
AV	142	9/28/21	Board of Aldermen Meeting
AV	143	12/2/21	Board of Assessors Meeting
AV	144	7/22/22	Finance Committee Meeting
AV	145	10/25/22	Board of Aldermen Meeting
AV	146	11/18/23	School Board Recount
AV	147	8/13/24	Board of Aldermen Meeting
AV	148	2020	Introduction on Filing an Abatement
AV	149	2020	Reading Your Property Record Card
AV	150	2020	The Ratio
AV	151	2024	3rd Floor Video of Hallway and Legal office
V*	152	1/17/21	City Hall Surveillance Video obtained by Police or Ortolano in City Hall in 1/17/2021
A *	153	1/17/21	Police Dispatch Call

* AV - Audio/Video. A - Audio Only; V - Video only

VI. Electronic Use of evidence

The parties have conferred and agree to utilize JERS.

VII. Special, Compensatory and Punitive Damages

- a) Attorney Mark Sisti (Criminal Defense) \$7000.00;
- b) Attorney Timothy Goulden (Criminal Defense) \$5000.00;
- c) Compensatory damages including damages for emotional distress, impairment of reputation, personal humiliation and embarrassment;
- d) Prejudgment interest;
- e) Punitive damages pursuant to Smith v. Wade, 461 U.S. 30 (1983).

VIII. Demand and Offer

The Plaintiff demands \$995,000.00.

The Defendants have not made an offer.

IX. Attorney's Fees

The Plaintiff seeks an award of reasonable Attorney's fees pursuant to §1988

X. View

The Plaintiff does not request a view in the first instance.

XI. Length of Trial

8 days.

Dated: March 20, 2025

Respectfully Submitted by,

/s/William Aivalikles

William Aivalikles, Esq.

Bar # 308

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CERTIFICATE OF SERVICE

I certify that a copy of this filing was served via the Court's ECF filing system upon counsel of record.

Dated: March 20, 2025

/s/William Aivalikles

William Aivalikles, Esq.